

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID W. SHADDON,

No. 3:11-cv-06150-ST

Plaintiff,

ORDER

v.

COMMISSIONER SOCIAL
SECURITY ADMINISTRATION,

Defendant.

HERNANDEZ, District Judge:

Magistrate Judge Stewart issued a Findings and Recommendation (#30) on January 17, 2014, in which she recommends that the Court grant Plaintiff's Unopposed Motion for Attorney Fees pursuant to 42 USC § 406(b) (#27). The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v.


Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court adopts Magistrate Judge Stewart's Findings and Recommendation [30]. Accordingly, Plaintiff's Unopposed Motion for Attorney Fees pursuant to 42 USC § 406(b) [27] is granted. Plaintiff's counsel is awarded \$17,019.00 in attorney fees, which is 25% of the benefits awarded (\$19,948.50) minus the Equal Access to Justice Act (EAJA) fees previously awarded and paid to plaintiffs counsel (\$2,929.48). When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract any applicable processing fee as allowed by statute.

IT IS SO ORDERED.

DATED this 4th day of February, 2014.


MARCO A. HERNANDEZ
United States District Judge